IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 566/2001
SURENDRA GYANI Vs. PRASOON SHARMA & ORS.

DATE: 13.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Mahesh Gupta for the complainant-petitioner.
Mr. B.S. Chhaba, PP for the State.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the order dated 03.05.2001 passed by the Special Judge (Fake Currency Cases), Jaipur City, Jaipur in Criminal Revision No. 8/2001, whereby he modified the order dated 02.11.2000 passed by the Additional Civil Judge (Jr. Division) & Judicial Magistrate No.9, Jaipur City, Jaipur in Criminal Case No. 190/2000 and the order of cognizance for offence under Sections 147 323, 341 and 452 IPC was converted into offence under Sections 323, 341 and 451 IPC.

I have heard learned counsel for the petitioner, learned Public Prosecutor for the State and have also gone through the impugned order dated 03.05.2001 as well as the order dated 02.11.2000.

I find no illegality in the impugned order dated 03.05.2001 passed by the Revisional Court while

partly allowing the criminal revision filed by the accused-respondents as the petitioner is not able to prove that offence under Section 147 is made out against the accused-respondents as only four accused were there. So far as offence under Section 452 IPC is concerned, the petitioner is further not able to prove that the accused-respondents have trespassed the house with preparation. All the aspects have been thoroughly considered by the Revisional Court and has prima-facie found that instead of offence under Sections 147, 323, 341 and 452 IPC, offence under Sections 323, 341 and 451 IPC is made out against the accused-respondents and with this modification in the order dated 02.11.2000 passed by the trial Court, the criminal revision filed by the accused-respondents has been partly allowed by the Revisional Court.

I find no illegality or error in the impugned order dated 03.05.2001 passed by the Revisional Court and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

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